IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R. RAMACHANDRAN NAIR

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 14245 of 2006(U)

PETITIONER:

M. UMADEVI ANTHERJENAM,
AGED 72 YEARS, W/O. LATE M. SANKARAN NAMBOODIRI
MANGULATH ILLOM, THAYAKURUNTHU, KANKOL P.O.,
PAYYANUR, KANNUR DISTRICT.

BY ADV. SRI. M. SASINDRAN
SRI. K.P. HARISH

RESPONDENTS:
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1. **UNION OF INDIA, REPRESENTED BY**
   UNDER SECRETARY TO GOVERNMENT, MINISTRY
   OF HOME AFFAIRS, FREEDOM FIGHTER'S CELL
   LOK NAYAK BHAVAN, NEW DELHI.

2. **STATE OF KERALA, REPRESENTED BY**
   SECRETARY TO GOVERNMENT, DEPARTMENT OF
   GENERAL ADMINISTRATION, SECRETARIATE,
   THIRUVANANTHAPURAM.

3. **THE DISTRICT COLLECTOR, KANNUR.**

BY ADV. SRI. MANOJ RAMASWAMY, ADDL.CGSC for R1.
GOVERNMENT PLEADER SRI. V.T.K. MOHANAN FOR R2 & R3.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14245 of 2006(U)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF SWATANTRATA SAINIK SAMMAN PENSION SCHEME.**
EXT. P2	**:**	**COPY OF THE EXTRACT OF THE CONVICT REGISTER CONCERNING TO THE SHRI. M. SANKARAN NAMBOODIRI.**
EXT. P3	**:**	**COPY OF THE PROCEEDINGS OF THE DISTRICT COLLECTOR, KANNUR DATED 20.08.1974.**
EXT. P4	**:**	**COPY OF THE ORDER OF 3RD RESPONDENT.**
EXT. P5	**:**	**COPY OF THE APPLICATION FOR GRANT OF FREEDOM FIGHTER'S PENSION UNDER THE SWATANTRATA SAINIK SAMMAN PENSION SCHEME.**
EXT. P6	**:**	**COPY OF THE PERSONAL KNOWLEDGE CERTIFICATE IN THE PRESCRIBED FORM ISSUED BY K.P. KANNAN.**
EXT. P7	**:**	**COPY OF THE PERSONAL KNOWLEDGE CERTIFICATE IN THE PRESCRIBED FORM ISSUED BY P. RAMAN MANIYANI.**

// True Copy //

P.A. to Judge.

smp

T.R. RAMACHANDRAN NAIR, J.

W.P. (C). NO. 14245 OF 2006

Dated this the 2nd day of August, 2007.

J U D G M E N T

This writ petition is filed seeking for a direction to the respondents to sanction and disburse Freedom Fighters' Pension under the Swatantrata Sainik Samman Pension Scheme.

2. The petitioner is the widow of late M. Sankaran Namboodiri who was a prominent freedom fighter of Malabar. The application submitted by the petitioner under the relevant scheme is Exhibit P5. The scheme provides that the same has to be routed through the State Government with their recommendations. The petitioner has forwarded one copy directly to the Central Government also. In fact, the late husband of the petitioner was sanctioned pension under the State Pension Scheme as per Exhibit P3. Consequent on his death, the petitioner was granted the benefit as evidenced by Exhibit P4. The claim is based on the conviction suffered by the late husband of the petitioner and the said fact is supported by the extract of the Convict Register Exhibit P2. Apart from producing the same, there are certificates issued by prominent

freedom fighters namely K.P. Kannan and P. Raman Maniyani, which are evidenced by Exhibits P6 and P7. The Government of India has recognized Karivellur Struggle as part of freedom movement as per order dated 20.01.1998.

3. A counter affidavit has been filed on behalf of the Union of India. It is averred therein that the application has to be forwarded by the State Government along with their verification-cum-entitlement to pension report and then only the Government of India will be able to take a decision on the same.

Therefore, there will be a direction to the respondents 2 and 3 to forward to the first respondent Exhibit P5 application submitted by the petitioner along with the annexures/documents and due recommendation, within a period of two months from the date of receipt of a copy of this judgment. On receipt of the same, first respondent will consider the same and pass appropriate orders within a further period of two months thereafter. This writ petition is disposed of accordingly.

T.R. RAMACHANDRAN NAIR
JUDGE.

smp